General Assembly

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Fifty-fifth session
Agenda item 112

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/600)*]

55/84. Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The General Assembly,

Reaffirming its objectives, as set forth in the Charter of the United Nations, of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter and the Universal Declaration of Human Rights,[1]

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination[2] and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,[3]

Noting the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978[4] and in 1983,[5]

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[1] Resolution 217 A (III).
[2] Resolution 2106 A (XX), annex.
[3] United Nations, *Treaty Series*, vol. 429, No. 6193.
[4] See *Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14–25 August 1978* (United Nations publication, Sales No. E.79.XIV.2).
[5] See *Report of the second World Conference to Combat Racism and Racial Discrimination, Geneva, 1–12 August 1983* (United Nations publication, Sales No. E.83.XIV.4 and corrigendum).

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action[6] to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling with satisfaction the proclamation, in resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and the adoption, in resolution 49/146 of 23 December 1994, of the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades have not been attained and that millions of human beings continue to the present day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase in many parts of the world and that the number of associations established on the basis of racist and xenophobic platforms and charters is increasing, as reflected in the report of the Special Rapporteur,[7]

Deeply concerned that, despite continuing efforts, contemporary forms of racism and racial discrimination, many forms of discrimination against, inter alia, blacks, Arabs, Muslims and Christians, xenophobia, Negrophobia, anti-Semitism and related intolerance persist or are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Recognizing that the promotion of tolerance and respect for cultural diversity is an important factor, among others, in eliminating racism, racial discrimination, xenophobia and related intolerance,

Alarmed that technological developments in the field of communications, including the Internet, continue to be utilized by various groups engaged in violent activity to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

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[6] A/CONF.157/24 (Part I), chap. III.

[7] See A/55/304.

Having considered the report submitted by the Secretary-General[8] within the framework of the implementation of the Programme of Action,

Recalling its resolution 54/154 of 17 December 1999, in which it requested the Secretary-General to include in his report to the General Assembly at its fifty-fifth session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony and for the effective enforcement of such legislation,

Remaining firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Deeply concerned that the phenomenon of racism and racial discrimination against migrant workers continues to increase, despite the efforts made by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9]

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

Noting with concern the existence of multiple discrimination, in particular against women,

Stressing the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

I

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

1. *Welcomes* the report submitted by the Secretary-General;[8]

2. *Reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and its commitment to eradicate, by all available means, racism in all its forms and racial discrimination;

3. *Recognizes* that Governments implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

[8] A/55/285.

[9] Resolution 45/158, annex.

4. *Urges* all Governments to take all necessary measures to combat new forms of racism, in particular by constantly adapting the means provided to combat them, especially in the legislative, judicial, administrative, educational and information fields;

5. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism, and calls upon those that have not done so to consider including racist motivation as an aggravating factor for the purposes of sentencing;

6. *Requests* the United Nations High Commissioner for Human Rights to assign high priority to the follow-up to programmes and activities for combating racism and racial discrimination, consistent with the need to ensure the effective preparation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

7. *Requests* the Secretary-General in his reports on racism, racial discrimination, xenophobia and related intolerance to accord special attention to and provide information on the situation of migrant workers and members of their families in this regard;

8. *Calls upon* all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] as a matter of priority;

9. *Commends* all States that have ratified or acceded to the international instruments to combat racism and racial discrimination, especially the International Convention on the Elimination of All Forms of Racial Discrimination[2] and the Convention against Discrimination in Education;[3]

10. *Urges* all States that have not yet done so to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination in order to achieve its universal ratification;

11. *Urges* States to limit the extent of any reservation that they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the objective and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations on a regular basis with a view to withdrawing them and to withdraw reservations that are contrary to the objective and purpose of the Convention or that are otherwise incompatible with international treaty law;

12. *Emphasizes* the importance of the full compliance of States parties with the obligations that they have accepted under the International Convention on the Elimination of All Forms of Racial Discrimination;

13. *Urges* all States parties to intensify efforts to meet the obligations that they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles contained in the Universal Declaration of Human Rights[1] and to article 5 of the Convention, with respect to:

(*a*) Declaring an offence punishable by law any dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and all acts of violence or incitement to such acts against any race or group of persons of another

colour or ethnic origin, and the provision of any assistance to racist activities, including the financing thereof;

(*b*) Declaring illegal and prohibited organizations and organized and all other propaganda activities that promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

(*c*) Not permitting public authorities or public institutions, whether national or local, to promote or incite racial discrimination;

14. *Encourages* the mass media to promote ideas of tolerance and understanding among peoples and different cultures;

15. *Requests* the Secretary-General to continue to draw attention to the effects of racial discrimination on minorities and migrant workers and members of their families, especially children and women, in the fields of education, training and employment and to submit in his report specific recommendations for the implementation of measures to combat such discrimination;

16. *Recognizes* the need for adequate support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and requests the Secretary-General to include in his report to the General Assembly at its fifty-sixth session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including through the regular budget of the United Nations and extrabudgetary sources;

17. *Expresses its appreciation* to those that have made contributions to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Fund, and to this end requests the Secretary-General to continue to establish the appropriate contacts and undertake the appropriate initiatives;

18. *Welcomes* the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade;

19. *Urges* all Governments, the Secretary-General, United Nations bodies, the specialized agencies, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action, to pay particular attention to the situation of indigenous people;

20. *Requests* States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

21. *Strongly underlines* the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, in particular among young people, and in this regard requests the United Nations Educational, Scientific and Cultural Organization to continue its work on the preparation and dissemination of teaching materials and teaching aids to promote teaching, training and educational activities

on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

22. *Considers* that, in order to attain the objectives of the Third Decade, all parts of the Programme of Action should be given equal attention;

23. *Requests* the Secretary-General to accord high priority to the activities of the Programme of Action and, in this regard, to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 2002–2003;

24. *Also requests* the Secretary-General to continue to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies to combat racism and racial discrimination, containing an analysis of information received on such activities;

25. *Invites* the Secretary-General to submit to the General Assembly proposals which would assist in the full implementation of the Programme of Action;

26. *Reiterates its calls upon* all Governments, United Nations bodies, the specialized agencies, intergovernmental and regional organizations and interested non-governmental organizations to contribute fully to the effective implementation of the Programme of Action;

II

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

1. *Recalls* its resolutions 52/111 of 12 December 1997 and 53/132 of 9 December 1998, in which it established that the Commission on Human Rights would act as the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolution 54/154, and takes note of Commission on Human Rights resolution 2000/14 of 17 April 2000[10] and Economic and Social Council resolution 2000/21 of 28 July 2000;

2. *Welcomes* the slogan for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance adopted by the Preparatory Committee, namely, "United to combat racism: equality, justice, dignity";[11]

3. *Also welcomes* the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerence,[7] and recommends that the Preparatory Committee for the World Conference give due consideration to the recommendations and suggestions contained therein;

4. *Requests* the Secretary-General to continue to ensure that adequate financial resources are made available for the preparatory process for the World Conference, including from the regular budget of the United Nations;

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[10] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[11] A/55/307, annex I, decision PC.1/10.

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to make every effort to ensure the mobilization of resources for the voluntary fund for the World Conference to cover the participation of the least developed countries in the preparatory process and in the Conference itself, and requests all Governments, international and non-governmental organizations and private individuals to contribute to the fund;

6. *Calls upon* the High Commissioner to help States and regional organizations, upon request, to convene and finalize inclusive national and regional meetings, in close consultation with the regional groups concerned, or to take other initiatives, including activities at the expert level, to prepare for the World Conference, and urges the specialized agencies and the regional commissions, in coordination with the High Commissioner, to contribute to the convening of regional preparatory meetings;

7. *Requests* the Secretary-General, the specialized agencies and the regional commissions to provide financial and technical assistance for the organization of the regional preparatory meetings planned in the context of the World Conference, and stresses that such assistance should be supplemented by voluntary contributions;

8. *Stresses* the importance of the widest possible participation of non-governmental organizations in the World Conference and the sessions of the Preparatory Committee, as well as in the regional meetings, regional expert seminars and other initiatives, including activities at the expert level, held in preparation for the World Conference;

9. *Decides* to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at Durban, South Africa, from 31 August to 7 September 2001;

10. *Welcomes* the holding by the Council of Europe of the regional preparatory meeting at Strasbourg, France, from 11 to 13 October 2000, and the offers made by the Governments of Chile, Senegal and the Islamic Republic of Iran to convene regional preparatory meetings, within the framework of the World Conference, at, respectively, Santiago, from 4 to 7 December 2000, Dakar, from 22 to 24 January 2001, and Tehran, from 19 to 21 February 2001;

11. *Requests* the High Commissioner:

(*a*) To help States, upon request, and regional organizations to convene national and regional meetings or to take other initiatives, including activities at the expert level, to prepare for the World Conference;

(*b*) To undertake appropriate consultations with non-governmental organizations on the possibility that they might hold a forum before and partly during the World Conference and, as far as possible, to provide them with technical assistance for that purpose;

(*c*) To continue fund-raising activities in order to increase the resources of the voluntary fund established specifically to cover all aspects of the preparatory process for the World Conference and the participation of non-governmental organizations, in particular those from developing countries, with special emphasis on those from least developed countries;

12. *Also requests* the High Commissioner, in her capacity as Secretary-General of the World Conference, to continue and intensify the activities already

initiated within the framework of the world information campaign with a view to ensuring mobilization and support for the objectives of the World Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors, to inform the Preparatory Committee of developments in this regard and to assist the Preparatory Committee in:

(*a*) Reviewing the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance with a view to reaching a better understanding of and appraising these problems;

(*b*) Reviewing progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights,[1] and reappraising the obstacles to further progress in the field and ways in which to overcome them;

(*c*) Considering ways and means to better the application of existing standards and the implementation of existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(*d*) Increasing the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;

(*e*) Formulating concrete recommendations on ways in which to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(*f*) Formulating concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

13. *Requests* the regional preparatory processes to identify trends, priorities and obstacles at the national and regional levels, and to formulate specific recommendations for the action to be carried out in the future to combat racism, racial discrimination, xenophobia and related intolerance;

14. *Calls upon* the regional preparatory meetings to submit to the Preparatory Committee, at its second session, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the texts of the draft final documents of the World Conference, to be prepared by the Committee;

15. *Invites* Governments to promote the participation of national institutions and local non-governmental organizations in the preparations for the World Conference and in the regional meetings and to organize debates in national parliaments on the objectives of the World Conference;

16. *Encourages* all parliaments to participate actively in the preparation of the World Conference, and requests the High Commissioner to explore ways and means of effectively involving parliaments through the relevant international organizations;

17. *Reiterates* that the World Conference should be action-oriented and should adopt a declaration and a programme of action containing concrete and

practical recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

18. *Stresses* the importance of systematically taking a gender perspective into account throughout the preparations for and in the outcome of the World Conference;

19. *Recommends* that the particular situation of children and young people should receive special attention during the preparations for and during the World Conference, especially in its outcome;

20. *Encourages* Governments, to that end and to ensure further the engagement of young people on the broader issues of racism, racial discrimination, xenophobia and related intolerance, to include youth delegates in their official delegations to the World Conference and its preparatory processes;

21. *Recommends* that special attention be accorded, during the preparations for and during the World Conference, especially in its outcome, to the particular situation of migrants;

22. *Also recommends* that the particular situation of indigenous people receive special attention during the preparations for and during the World Conference, especially in its outcome, and encourages Member States to facilitate the participation of their indigenous people, inter alia, by considering including representatives of indigenous people in their delegations;

23. *Welcomes* the report of the Commission on Human Rights acting as the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on its first session,[12] and requests the Preparatory Committee to develop in a comprehensive manner the provisional agenda, the draft declaration and the draft programme of action of the World Conference, taking into account the themes as adopted and all outstanding issues from its first session as covered in the report, as well as the contributions of all of the regional preparatory processes and other relevant initiatives;

24. *Decides* to establish an inter-sessional working group which will meet for five working days to develop further the draft agenda, the draft declaration and the draft programme of action of the World Conference;

25. *Also decides* to authorize the Preparatory Committee to extend its second session for up to five working days;

26. *Appeals* to Member States to contribute generously to the voluntary fund for the World Conference to cover the preparatory process and the Conference and the participation of non-governmental organizations from developing countries;

27. *Requests* Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants and other human rights mechanisms to participate actively in the preparatory process with a view to ensuring the success of the World

[12] A/55/307.

Conference and to coordinate their activities in this regard with the assistance of the High Commissioner;

28. *Calls upon* States and regional organizations to continue the process of convening inclusive national and regional meetings or taking other initiatives, such as public information campaigns, to raise awareness of the World Conference as part of the preparations for the Conference;

III

Proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance

1. *Strongly reaffirms* the proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and in this context calls upon Governments, all relevant entities of the United Nations system and non-governmental organizations to observe the International Year in a suitable manner, including by means of programmes of action;

2. *Emphasizes* that the activities to be implemented within the framework of the International Year should be directed towards the preparation of the World Conference and the realization of its objectives;

IV

General

Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of high priority at its fifty-sixth session.

81st plenary meeting
4 December 2000

United Nations A/RES/55/85

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/601)*]

55/85. Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its fifty-sixth[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 54/155 of 17 December 1999,

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-sixth session under the item entitled "Right of peoples to self-determination".

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[3] A/55/176 and Add.1.

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/601)*]

55/86. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 54/151 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/3 of 7 April 2000,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, and recalling further the relevant resolutions of the Security Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the non-use of force or of the threat of use of force in international relations and the self-determination of peoples,

Reaffirming also that, by virtue of the principle of self-determination, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2] all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and every State has the duty to respect this right in accordance with the provisions of the Charter,

Recognizing that mercenary activities continue to increase in many parts of the world and take on new forms, permitting mercenaries to operate in a better organized way, with increased pay, and that their numbers have grown and more persons are prepared to become mercenaries,

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[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[2] Resolution 2625 (XXV), annex.

Alarmed and concerned about the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States, and also elsewhere,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted by the General Assembly on 4 December 1989[3] and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[4]

2. *Reaffirms* that the recruitment, use, financing and training of mercenaries are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take the necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession or to fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

5. *Calls upon* all States that have not yet done so to consider signing or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[3]

6. *Welcomes* the cooperation extended by those countries that have received visits from the Special Rapporteur;

7. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Invites* States to investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occur;

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[3] Resolution 44/34, annex.

[4] A/55/334.

9. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary assistance, both professional and financial;

10. *Recommends* that the Commission on Human Rights renew the mandate of the Special Rapporteur for a period of three years;

11. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority to be programmed in its immediate activities, to publicize the adverse effects of the activities of mercenaries on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

13. *Requests* the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, and in this regard strongly urges the United Nations High Commissioner for Human Rights to convene a workshop on the traditional and new forms of activities of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination before the fifty-seventh session of the Commission on Human Rights, so that a report on the outcome of the workshop may be submitted to the Commission at its fifty-seventh session;

14. *Requests* the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the General Assembly at its fifty-sixth session;

15. *Decides* to consider at its fifty-sixth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/601)*]

55/87. The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling further the United Nations Millennium Declaration,[6]

Expressing hope for an immediate resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including their right to a State;

2. *Expresses the hope* that the Palestinian people will soon be exercising their right to self-determination, which is not subject to any veto, in the current peace process;

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.

3. *Urges* all States and the specialized agencies and the organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

81st plenary meeting
4 December 2000

General Assembly

Distr.: General
21 February 2001

Fifty-fifth session
Agenda item 114 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/602/Add.1)*]

55/88. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] A/CONF.157/24 (Part I), chap. III.

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. *Welcomes* the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. *Calls upon* all Member States, in particular in view of the tenth anniversary of the adoption of the Convention, to consider signing and ratifying or acceding to the Convention as a matter of priority, expresses the hope that it will enter into force at an early date, and notes that, pursuant to article 87 of the Convention, only six ratifications or accessions are still needed for it to enter into force;

4. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. *Welcomes* the global campaign for the entry into force of the Convention, and invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

6. *Also welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention, and encourages her to continue in this endeavour;

7. *Takes note* of the report of the Secretary-General,[7] and requests him to submit an updated report on the status of the Convention to the General Assembly at its fifty-sixth session;

8. *Decides* to consider the report of the Secretary-General at its fifty-sixth session under the sub-item entitled "Implementation of human rights instruments".

81st plenary meeting
4 December 2000

[7] A/55/205.

General Assembly

Distr.: General
22 February 2001

Fifty-fifth session
Agenda item 114 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/602/Add.1)*]

55/89. Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that freedom from torture is a right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict,

Recalling also that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,[4]

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[5] in particular the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights, such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,[6]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 3452 (XXX), annex.
[4] A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.
[5] Ibid., chap. III.
[6] Ibid., sect. II, paras. 54-61.

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the Fund,[7]

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation;

3. *Draws the attention* of Governments to the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to the present resolution, and strongly encourages Governments to reflect upon the Principles as a useful tool in efforts to combat torture;

4. *Notes with appreciation* that one hundred and twenty-two States have become parties to the Convention;

5. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

6. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

[7] Ibid., para. 59.

7. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

8. *Urges* States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19, in view of the high number of reports not submitted, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

9. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 9 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

11. *Welcomes* the work of the Committee, and takes note of the report of the Committee,[8] submitted in accordance with article 24 of the Convention;

12. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

13. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

14. *Urges* the inter-sessional open-ended working group of the Commission on Human Rights on the development of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

15. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment,[9] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

16. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women, its causes and consequences, with a view to enhancing further their effectiveness and mutual cooperation;

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[8] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 44* (A/55/44).

[9] A/55/290.

17. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

18. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, in particular by supplying all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations;

19. *Approves* the methods of work employed by the Special Rapporteur, in particular with regard to urgent appeals, reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work;

20. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

21. *Stresses* the need for the continued regular exchange of views between the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

22. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

23. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board of Trustees, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

24. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

25. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for victims of torture and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

26. *Further requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms involved in combating

torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

27. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

28. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

29. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-seventh session and to the General Assembly at its fifty-sixth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a report on the operations of the United Nations Voluntary Fund for the Victims of Torture;

30. *Decides* to consider at its fifty-sixth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment.

81st plenary meeting
4 December 2000

Annex

Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "torture or other ill-treatment") include the following:

(*a*) Clarification of the facts and establishment and acknowledgement of individual and State responsibility for victims and their families;

(*b*) Identification of measures needed to prevent recurrence;

(*c*) Facilitation of prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible and demonstration of the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment are promptly and effectively investigated. Even in the absence of an express complaint, an investigation shall be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by,

impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards and the findings shall be made public.

3. (*a*) The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry.[10] The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence.

(*b*) Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to, any hearing, as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5. (*a*) In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.[10]

(*b*) A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. Upon completion, the report shall be made public. It shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6. (*a*) Medical experts involved in the investigation of torture or ill-treatment shall behave at all times in conformity with the highest ethical standards and, in particular, shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the

[10] Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

medical expert and outside the presence of security agents and other government officials.

(*b*) The medical expert shall promptly prepare an accurate written report, which shall include at least the following:

(i) Circumstances of the interview: name of the subject and name and affiliation of those present at the examination; exact time and date; location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g., detention centre, clinic or house); circumstances of the subject at the time of the examination (e.g., nature of any restraints on arrival or during the examination, presence of security forces during the examination, demeanour of those accompanying the prisoner or threatening statements to the examiner); and any other relevant factors;

(ii) History: detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;

(iii) Physical and psychological examination: record of all physical and psychological findings on clinical examination, including appropriate diagnostic tests and, where possible, colour photographs of all injuries;

(iv) Opinion: interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination shall be given;

(v) Authorship: the report shall clearly identify those carrying out the examination and shall be signed.

(*c*) The report shall be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process shall be solicited and recorded in the report. It shall also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report shall not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such a transfer.

General Assembly

Distr.: General
26 February 2001

Fifty-fifth session
Agenda item 114 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/55/602/Add.1)*]

55/90. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 53/138 of 9 December 1998, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 2000/75 of 26 April 2000,[1]

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[2]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[3] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems, which should be based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

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[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.
[2] A/CONF.157/24 (Part I), chap. III.
[3] Resolution 217 A (III).

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence or recurrence of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(*a*) Promoting the effective functioning of the periodic reporting by States parties to those instruments,

(*b*) Securing sufficient financial, human and information resources for the Office of the United Nations High Commissioner for Human Rights to enable the human rights treaty bodies to carry out their mandates effectively, including in regard to their ability to work in the applicable working languages,

(*c*) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

(*d*) Addressing questions of both reporting obligations and financial implications when elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General,[4]

1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their eleventh[5] and twelfth[6] meetings, held at Geneva from 31 May to 4 June 1999 and 5 to 8 June 2000, respectively, and takes note of their conclusions and recommendations;

2. *Encourages* each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the persons chairing the human rights treaty bodies, and in this context also encourages enhanced cooperation and coordination between the treaty bodies;

3. *Welcomes* the initiative of the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue within the framework of their meetings, and encourages them to continue this practice in the future;

4. *Welcomes* the comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system[7] and the report of the Secretary-General thereon;[8]

5. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and with this in mind:

(*a*) Reiterates its request to the Secretary-General to provide adequate resources in respect of each human rights treaty body, while making the most efficient use of existing resources, in order to give the human rights treaty bodies

[4] A/55/278.
[5] A/54/805, annex.
[6] A/55/206, annex.
[7] E/CN.4/1997/74, annex.
[8] E/CN.4/2000/98 and Add.1.

adequate administrative support and better access to technical expertise and relevant information;

(*b*) Calls upon the Secretary-General to seek, in the next biennium, the resources within the regular budget of the United Nations necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information without diverting resources from the development programmes and activities of the United Nations;

(*c*) Welcomes the plans of action prepared by the United Nations High Commissioner for Human Rights to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of the human rights treaties, and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extrabudgetary resources for the treaty bodies made by the High Commissioner until the regular budget funding meets their needs;

6. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

7. *Takes note* of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the treaty bodies and the Secretary-General to assist States parties in meeting their reporting obligations and to reduce the backlog in the consideration of reports by the treaty bodies;

8. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and encourages the Secretary-General, the treaty bodies and the persons chairing the treaty bodies at their next meeting to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

9. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[9] the International Covenant on Civil and Political Rights,[9] the International Convention on the Elimination of All Forms of Racial Discrimination,[10] the Convention on the Elimination of All Forms of Discrimination against Women,[11] the Convention on the Rights of the Child[12] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[13] which is being prepared with a view to identifying duplication of reporting required under those instruments;

10. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the human rights treaty bodies;

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[9] See resolution 2200 A (XXI), annex.
[10] Resolution 2106 A (XX), annex.
[11] Resolution 34/180, annex.
[12] Resolution 44/25, annex.
[13] Resolution 39/46, annex.

11. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*,[14] and encourages the updating of the *Manual* to reflect new developments in the field of human rights, including the adoption of new instruments;

12. *Underlines* the importance of providing technical assistance to a State, upon its request, in the process of ratifying human rights instruments and in the preparation of its initial and subsequent reports;

13. *Welcomes* the work done by the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the human rights treaty bodies, and encourages the Secretary-General also to compile the rules of procedure for the treaty bodies;

14. *Reiterates its concern* about the persistent backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and about delays in the consideration of reports of the human rights treaty bodies;

15. *Also reiterates its concern* about the large number of overdue reports, and again urges States parties to make every effort to meet their reporting obligations;

16. *Urges* all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

17. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. *Urges* each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the human rights treaty bodies;

19. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and encourages the specialized agencies and other United Nations bodies, the Commission on Human Rights, including its special procedures, and the Subcommission on the Promotion and Protection of Human Rights, the Office of the United Nations High Commissioner for Human Rights and the persons chairing the human rights treaty bodies to continue to explore specific measures to intensify this cooperation between them and to improve communication and information flow in order to improve further the quality of their work, including by avoiding unnecessary duplication;

20. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of the membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity and shall be of high moral character, acknowledged independence and recognized competence in the field of human

[14] United Nations publication, Sales No. E.GV.97.0.16.

rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

22. *Takes note* of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report of the Secretary-General,[4] and of other work being done by the Secretary-General on this subject, and encourages Member States to consider possible follow-up;

23. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

24. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies on closely monitoring the enjoyment of the human rights of women within their mandates;

25. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

26. *Invites* the Secretary-General to submit the reports of the persons chairing the human rights treaty bodies on their periodic meetings to the General Assembly at its fifty-seventh session;

27. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

28. *Decides* to continue to give priority consideration at its fifty-seventh session to the conclusions and recommendations of the periodic meetings of the persons chairing the human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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[on the report of the Third Committee (A/55/602/Add.2 and Corr.1)]

55/91. Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights[1] and the International Covenant on Economic, Social and Cultural Rights,[2] as well as other pertinent human rights instruments,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation, proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,[3]

Taking note of the report of the Secretary-General on human rights and cultural diversity,[4]

Welcoming the proclamation of 2001 as the United Nations Year of Dialogue among Civilizations, in accordance with General Assembly resolution 53/22 of 4 November 1998,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

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[1] Resolution 217 A (III).
[2] See resolution 2200 (XXI), annex.
[3] See the United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions*.
[4] A/55/296 and Add.1.

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Considering that tolerance of cultural, ethnic and religious diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing in each culture a dignity and value which deserves recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

4. *Also affirms* that inter-cultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

5. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable friendly relations among peoples and nations worldwide;

6. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national and international levels is important for enhancing respect for cultural rights and cultural diversity;

7. *Also emphasizes* the fact that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all;

8. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to

recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

9. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit it to the General Assembly at its fifty-sixth session;

10. *Decides* to continue consideration of this question at its fifty-sixth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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55/92. Protection of migrants

The General Assembly,

Recalling its resolution 54/166 of 17 December 1999,

Considering that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the World Summit for Social Development[4] and the Fourth World Conference on Women,[5]

Bearing in mind the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants,[6]

Taking note of Commission on Human Rights resolution 2000/48 of 25 April 2000, on the human rights of migrants,[7]

Recalling its resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society,

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[1] Resolution 217 A (III).
[2] See A/CONF.157/24 (Part I), chap. III.
[3] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.
[4] See *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.
[5] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[6] E/CN.4/2000/82.
[7] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their States of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles for the return to their States of origin of migrants who are non-documented or in an irregular situation,

Also bearing in mind the need for a focused and consistent approach towards migrants as a specific vulnerable group, in particular migrant women and children,

Deeply concerned at the manifestations of violence, racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Underlining the importance of the creation of conditions that foster greater harmony between migrant workers and the rest of the society of the States in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrants,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Taking note with appreciation of the recommendations on strengthening the promotion, protection and implementation of the human rights of migrants of the working group of intergovernmental experts on the human rights of migrants[8] established by the Commission on Human Rights,

Noting the efforts made by States to penalize the international trafficking of migrants and to protect the victims of this illegal activity,

Taking note of the decisions of the relevant international juridical bodies on questions relating to migrants, in particular advisory opinion OC-16/99, issued by the Inter-American Court of Human Rights on 1 October 1999, regarding the right to information about consular assistance within the framework of due process guarantees,

1. *Welcomes* the renewed commitment made in the United Nations Millennium Declaration[9] to take measures to ensure respect for and protection of human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies;

2. *Requests* all Member States, in conformity with their respective constitutional systems, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights[1] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[10] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[11] the International

[8] E/CN.4/1999/80, paras. 102-124.
[9] See resolution 55/2.
[10] Resolution 2200 A (XXI), annex.
[11] Resolution 39/46, annex.

Convention on the Elimination of All Forms of Racial Discrimination,[12] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[13] the Convention on the Elimination of All Forms of Discrimination against Women,[14] the Convention on the Rights of the Child[15] and other applicable international human rights instruments;

3. *Strongly condemns* all forms of racial discrimination and xenophobia with regard to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public, and welcomes the active role played by governmental and non-governmental organizations in combating racism and assisting individual victims of racist acts, including migrant victims;

4. *Calls upon* all States to review and, where necessary, revise immigration policies with a view to eliminating all discriminatory policies and practices against migrants and to provide specialized training for government policy-making and law enforcement, immigration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

5. *Reiterates* the need for all States to protect fully the universally recognized human rights of migrants, especially women and children, regardless of their legal status, and to provide humane treatment, in particular with regard to assistance and protection, including those under the Vienna Convention on Consular Relations,[16] regarding the right to receive consular assistance from the country of origin;

6. *Reaffirms* the responsibility of Governments to safeguard and protect the rights of migrants against illegal or violent acts, in particular acts of racial discrimination and crimes perpetrated with racist or xenophobic motivation by individuals or groups, and urges them to reinforce measures in this regard;

7. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

8. *Requests* all Governments to cooperate fully with the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in the performance of her mandated tasks and duties and to furnish all information requested, including by reacting promptly to her urgent appeals;

9. *Encourages* Member States that have not yet done so to enact domestic criminal legislation to combat international trafficking of migrants, which should take into account, in particular, trafficking that endangers the lives of migrants or includes different forms of servitude or exploitation, such as any form of debt bondage, sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking;

10. *Welcomes* the recommendations of the Special Rapporteur that close links be established between her work and that of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related

[12] Resolution 2106 A (XX), annex.
[13] Resolution 45/158, annex.
[14] Resolution 34/180, annex.
[15] Resolution 44/25, annex.
[16] United Nations, *Treaty Series*, vol. 596, No. 8638.

Intolerance, within the framework of the objectives of the Conference, and encourages her to assist in the identification of the main issues that the Conference should address;

11. *Calls upon* all States to protect the human rights of migrant children, in particular unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection;

12. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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55/93. Proclamation of 18 December as International Migrants Day

The General Assembly,

Taking note of Economic and Social Council decision 2000/288 of 28 July 2000,

Considering that the Universal Declaration of Human Rights[1] proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, in particular as to race, colour or national origin,

Taking into account the large and increasing number of migrants in the world,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to proclaim 18 December International Migrants Day;

2. *Invites* Member States, as well as intergovernmental and non-governmental organizations, to observe International Migrants Day, through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants, the sharing of experience and the design of actions to ensure their protection;

3. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments and appropriate intergovernmental and non-governmental organizations.

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[1] Resolution 217 A (III).